

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN SENATE JUNE 19, 2003

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 170

Introduced by Assembly Member Reyes

January 23, 2003

An act to add ~~Sections 65302.1 and~~ *Section 65302.4* to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as amended, Reyes. Air quality element: San Joaquin Valley.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would *make legislative findings and declarations regarding air pollution problems in the San Joaquin Valley. The bill would require*

~~a planning agency the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to adopt an air quality element as part of its general plan or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality during the next major update to the general plan or within 5 years, whichever is sooner, as specified, no later than one year from the date specified for the next revision of its housing element if the city or county is within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD).~~

The bill would also require ~~these cities and counties that have addressed air quality in their general plans or its equivalent in other plan elements in excess of 5 years from the effective date of this bill to update the, at least 45 days prior to the adoption of an air quality element or the amendment of a general plan, to send a copy of the draft air quality document to the district for review and comment, as specified.~~ By increasing the duties of local public officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 65302.1 is added to the Government~~
- 2 ~~Code, to read:~~
- 3 ~~65302.1. The Legislature finds and declares all of the~~
- 4 ~~following:~~
- 5 ~~(a) The San Joaquin Valley has a serious air pollution problem~~
- 6 ~~SECTION 1. Section 65302.4 is added to the Government~~
- 7 ~~Code, to read:~~
- 8 ~~65302.4. (a) The Legislature finds and declares all of the~~
- 9 ~~following:~~

1 (1) *The San Joaquin Valley has a serious air pollution problem*
2 that will take the cooperation of land use and transportation
3 planning agencies, transit operators, the development community,
4 the San Joaquin Valley Air Pollution Control District ~~(SJVAPCD)~~
5 and the public to solve. The solution to the problem requires
6 changes in the way we have traditionally built our communities
7 and constructed the transportation systems. It involves a
8 fundamental shift in priorities from emphasis on mobility for the
9 occupants of private automobiles to a multimodal system that
10 more efficiently uses scarce resources. It requires a change in
11 attitude from the public to support development patterns and
12 transportation systems different from the status quo.

13 ~~(b) The SJVAPCD has prepared and distributed a document~~

14 (2) *In 2003 the district published a document* entitled, Air
15 Quality Guidelines for General Plans. This *report* is a
16 comprehensive guidance document and resource for cities and
17 counties to use to ~~address~~ *include* air quality in their general plans.
18 It includes goals, policies, and programs that when adopted in a
19 general plan will reduce vehicle trips and miles traveled and
20 improve air quality.

21 ~~(c)~~

22 (3) Air quality guideline strategies are a commitment to do all
23 of the following:

24 ~~(1)~~

25 (A) Determine and mitigate project level and cumulative air
26 quality impacts under the California Environmental Quality Act
27 ~~(CEQA)~~.

28 ~~(2)~~ *(CEQA) (Division 13 (commencing with Section 21000) of*
29 *the Public Resources Code).*

30 (B) Integrate land use plans, transportation plans, and air
31 quality plans.

32 ~~(3)~~

33 (C) Plan land uses in ways that support a multimodal
34 transportation system.

35 ~~(4)~~

36 (D) Local action to support programs that reduce congestion
37 and vehicle trips.

38 ~~(5)~~

39 (E) Plan land uses to minimize exposure to toxic air pollutant
40 emissions from industrial and other sources.

~~(6)–~~

(F) Reduce particulate matter emissions from sources under local jurisdiction.

~~(7)– Support SJVAPCD~~

(G) Support district and public utility programs to reduce emissions from energy consumption and area sources.

~~(d)– Benefits from implementing an air quality element include,~~

(4) The benefits of including air quality concerns within local general plans include, but are not limited to, all of the following:

~~(1)–~~

(A) Lower infrastructure costs.

~~(2)–~~

(B) Lower public service costs.

~~(3)–~~

(C) More efficient transit service.

~~(4)–~~

(D) Lower costs for comprehensive planning.

~~(5)–~~

(E) Streamlining of the permit process.

~~(6)–~~

(F) Improved mobility for the elderly and children.

~~SEC. 2. Section 65302.4 is added to the Government Code, to read:~~

~~65302.4. (a) A planning agency within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD) shall~~

~~(b) The legislative body of each city and county within the jurisdictional boundaries of the district shall either adopt an air quality element as part of its general plan or amend the appropriate elements of its general plan, which may include, but are not limited to, the required elements dealing with land use, circulation, housing, conservation, and open space, to include comprehensive goals, policies, and implementation strategies to improve air quality during the next major update to the general plan or within five years, whichever is sooner.~~

~~(b) Those cities and counties that have addressed air quality in their general plans equivalent in other plan elements in excess of five years from the effective date of this section shall update the element or equivalent during the next major general plan update or within five years, whichever is sooner.~~

~~(c) The appropriate elements of a city or county's general plan shall be amended to include, but not be limited to, all of the following:~~

~~(1) A comprehensive set of goals, policies, and implementation strategies that may improve air quality by all of the actions listed in subdivision (c) of Section 65302.1.~~

~~(2) include data and analysis, goals, policies, and objectives, and feasible implementation strategies to improve air quality.~~

~~(c) The adoption of an air quality element or the amendment of a general plan to comply with the requirements of subdivision (d) shall include all of the following:~~

~~(1) A report describing local air quality conditions including air quality monitoring data, emission inventories, lists of significant source categories, attainment status and designations, and applicable state and federal air quality plans and transportation plans.~~

~~(3)~~

~~(2) A summary of local, SJVAPCD, state, and federal policies, programs, and regulations that may improve air quality in the city or county.~~

~~(d) Prior to action by the legislative body to adopt the air quality element, the planning agency shall submit the proposed draft of the element to the SJVAPCD, and the district shall have at least 45 days after receipt of the draft to comment unless a longer period is deemed necessary by the planning agency.~~

~~SEC. 3.—~~

~~(3) A comprehensive set of goals, policies, and objectives that may improve air quality consistent with the strategies listed in paragraph (3) of subdivision (a).~~

~~(4) A set of feasible implementation measures designed to carry out those goals, policies, and objectives.~~

~~(d) At least 45 days prior to the adoption of an air quality element or the amendment of a general plan pursuant to this section, each city and county shall send a copy of its draft document to the district. The district may review the draft elements or amendments to determine whether they may improve air quality consistent with the strategies listed in paragraph (3) of subdivision (a). Within 30 days of receiving the draft elements or draft amendments, the district shall send any comments and advice to the city or county. The legislative body of the city or county shall~~

1 *consider the district's comments and advice prior to the final*
2 *adoption of the air quality element or amendments to the general*
3 *plan. If the district's comments and advice are not available by the*
4 *time scheduled for the final adoption of the air quality element or*
5 *amendments to the general plan, the legislative body of the city or*
6 *county may act without them. The district's comments shall be*
7 *advisory to the city or county.*

8 *(e) The legislative body of each city and county within the*
9 *jurisdictional boundaries of the district shall comply with this*
10 *section no later than one year from the date specified in Section*
11 *65588 for the next revision of its housing element that occurs after*
12 *January 1, 2004.*

13 *(f) As used in this section, "district" means the San Joaquin*
14 *Valley Air Pollution Control District.*

15 *SEC. 2.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of
20 Section 17556 of the Government Code.

